

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 4769 of 1996

For Approval and Signature:

Hon'ble MISS JUSTICE R.M.DOSHIT

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

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NITIN S THAKORE

Versus

STATE OF GUJARAT

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Appearance:

MR PB MAJMUDAR for Petitioner

SERVED for Respondent No. 1, 3

MR DA BAMBHANIA for Respondent No. 2

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CORAM : MISS JUSTICE R.M.DOSHIT

Date of decision: 30/10/96

ORAL JUDGEMENT

Rule returnable to day. Mr. Bambhania, learned Additional GP appears and waives service of rule on behalf of the respondents. On the facts and in the circumstances of the case, the matter is taken up for final hearing to day.

2. The petitioner has submitted an application for voluntary retirement in the year 1988. Said application for voluntary retirement was rejected on 12th December, 1988. The petitioner, thereafter, made another application dated 5th December, 1991. The petitioner is aggrieved since his aforesaid application dated 5th December, 1991 has not been processed by the Government and necessary orders have not yet been made. It should be noted that the petitioner has left the services even prior to his application for retirement. The petitioner has served upto 17th May, 1989. Mr. Bambhanja, learned Additional . GP has submitted that the application made by the petitioner is found to be highly irregular. The petitioner has not given notice of retirement as is required under the law and he has stopped attending duty at his own volition since 18th May, 1989. However, he concedes that the petitioner's application dated 5th December, 1991 has not been processed by the Government and is pending for consideration. It would, therefore, be in the interest of justice to issue directions to the Government to decide the application expeditiously. The petition is, therefore, partly allowed. Respondent Government is directed to consider the application for voluntary retirement made by the petitioner within a period of three months from today. The petition is allowed to the aforesaid extent. Rule is made absolute accordingly. There shall be no order as to costs. This order is made without prejudice to the rights and contentions of either of the parties hereto.

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